

Will the broadcast flag interfere with consumers ability to make copies of DTV content for their personal use, either on personal video recorders or removable media?

I cannot see how this technical device wouldn't interfere with a consumer's fair use rights. Fair use is an abstract concept which allows for copying for personal use among other things; and technical measures cannot completely map to an abstract idea. In this case, the technical measures restrict too much fair use for the benefit of the studios.

There are a lot of possibilities for media use with new technology, for example, I use a general purpose computer for reading e-mail. Would I be *allowed* to use snippets of DTV as my incoming mail notification? Currently I have Steve Burns from Blues Clues singing "Here's the mail..." Quite amusing, and quite within my rights. But my ability to do this would be impaired with the broadcast flag, wouldn't it?

Would the digital flag interfere with consumers ability to send DTV content across networks, such as home digital networks connecting digital set top boxes, digital recorders, digital servers and digital display devices? As Margaret Atwood points out in "The Handmaid's Tale," there are two types of freedom: freedom to, and freedom from. I currently have the freedom to record high-quality DV, edit on my general purpose computer, send via Internet mail to my family, create DVD-Rs and Video CDs that can be played on computers and HDTVs. Studios and broadcasters also have the same freedom. What do I want a digital flag for? This flag would seem to give studios the "freedom from" illegal distribution of their content (without giving me similar "freedom from"), and take away significant parts of my "freedom to."

Would the broadcast flag requirement limit consumers ability to use their existing electronic equipment (equipment not built to look for the flag) or make it difficult to use older components with new equipment that is compliant with the broadcast flag standard?

Any federally-mandated hardware on consumer devices is going to limit usage of existing equipment, as well as increase cost of general-purpose equipment such as high-speed computers.

Would a broadcast flag requirement limit the development of future equipment providing consumers with new options?

Of course proponents of this broadcast flag say there is no limit to future options. As things stand today, I can save digital video on my computer, and use this digital video in unexpected ways; as mentioned above, I use a clip from Blues Clues as my incoming mail notification. With the broadcast flag enabled, I must wait for a properly verified vendor to provide me with properly verified e-mail software before any digital video I might have pulled from public airwaves can be used. What incentive do the studios have in exploring new ways that digital video can be used? *Of course* any mandated restrictions will limit new development.

What will be the cost impact, if any, that a broadcast flag requirement would have on consumer electronics equipment?

I am unqualified to speak about most consumer electronics hardware. I *do* know, however, what cost this would have for the general-purpose computer market, and on the software market. It would be a severe understatement to say that the cost of computer equipment would rise. I am already directly affected by this, as are computer hobbyists everywhere, because of the

costs forced onto hardware manufacturers that support digital video. To have mandated licensing of technology almost certainly means a single entity having the monopoly on this technology, much like Macrovision today.

I cannot buy general-purpose computer parts today that a) support video out and b) don't include Macrovision.

There is an increased convergence of the consumer electronics and general-purpose computer markets these days. Consumer electronics are being sold that are based on general-purpose computer components running the Linux open-source operating system. Computer software written by hobbyists are already being incorporated into digital video devices being sold to consumers. This is an excellent state of affairs, as consumers benefit through lower software licensing fees, and computer hobbyists have the freedom to innovate new digital video products.

All this would change with federally mandated digital restrictions. Software like GNU/Linux would be illegal, as would device driver software that could possibly be abused to disable any restrictions.

Other Comments:

This seems to boil down to a choice between the property rights of a wealthy, privileged few (the recording industry) versus the rights and freedoms for everyone (consumers, and computer hobbyists, and DV amateurs, and the growing number of artists who don't agree with the recording industry). One of the most notable times this choice defined our great nation was with slavery. While a nation divided into the privileged few content creators and the masses of passive consumers is less dystopian than a nation that permits slavery, the basic issue, I feel, is still the same.